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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/856,727	Applicant(s) YAMAGUCHI, KENTOKU	
	Examiner Sujatha Sharma	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,4,6-8,10,14,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher [US 6,112,084] in view of Robinson [GB 2 311 910 A].

Regarding claims 1,8,14,16-18 Sicher discloses a method of providing cellular simultaneous voice and data communications. Sicher further discloses a radio communication terminal connected with a base station over radio channels for making communications with the base station comprising:

- First communication means for establishing first radio channels with the base station and making communications over the first radio channel; See Figs. 9-11; col. 3, line 46 – col. 4, line 6; col. 10, lines 17-67 ; where a communication channel is established for example for voice communications
- second communication means for establishing a second radio channel with the base station and for initiating an outgoing call from the terminal over the second radio channel simultaneously with the first communication means; See Figs. 9-11; col. 3, line 46 – col. 4, line 6; col. 10, lines 17-67; where a simultaneous radio channel is established for data/video communication

Art Unit: 2618

However, Sicher does not specifically disclose a method of informing an operator at the terminal of information transmitted to and received from the base station over the multiple channels for each radio channel.

Robinson, in the same field of endeavor, teaches a method of informing an operator at the terminal of information transmitted to and received from the base station over the multiple channels for each radio channel. See Fig. 3 and page 5, lines 21-27.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Robinson to Sicher in order to allow the user to monitor the desired quality of service.

Regarding claims 3,10 Sicher further discloses a radio communication terminal wherein the communication means has means for making at least voice data communication, video data communication, and message data communication. See Figs. 9-11; col. 3, line 46 – col. 4, line 6; col. 10, lines 33-67.

Regarding claim 4, Robinson further discloses a radio communication terminal wherein the informing means has display means that allows visual display. See Figs. 3,4 and page 5, lines 21-27.

Regarding claims 6, Sicher discloses a radio communication terminal connected with a base station over radio channels for making communications with the base station comprising:

Art Unit: 2618

- First communication means for establishing first radio channels with the base station and making communications over the first radio channel; See Figs. 9-11; col. 3, line 46 – col. 4, line 6; col. 10, lines 17-67 ; where a communication channel is established for example for voice communications
- second communication means for establishing a second radio channel with the base station and for initiating an outgoing call from the terminal over the second radio channel simultaneously with the first communication means; See Figs. 9-11; col. 3, line 46 – col. 4, line 6; col. 10, lines 17-67; where a simultaneous radio channel is established for data/video communication

However, Sicher does not specifically disclose input means for selecting one of the established first and second radio channels and means for inputting information to make communication over the selected channel.

Robinson, in the same field of endeavor, teaches an input means for selecting one of the established first and second radio channels and means for inputting information to make communication over the selected channel. See Fig. 3 and page 5, lines 21-27.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Robinson to Sicher in order to allow the user to monitor the desired service channel.

Regarding claim 7, Sicher further discloses a radio communication terminal wherein the communication means has means for making at least voice data communication, video data

Art Unit: 2618

communication, and message data communication. See Figs. 9-11; col. 3, line 46 – col. 4, line 6; col. 10, lines 17-67

3. Claims 5,11,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher [US 6,112,084] and Robinson [GB 2 311 910 A] in view of Smirnov [US 6,704,813].

Regarding claims 5,11,15 Sicher as modified by Robinson discloses all the limitations as claimed.

However he does not disclose the radio communication terminal further comprising storage means for storing information utilized when radio communications are made, and wherein the informing means has means informing the operator of the information transmitted to and received from the base station and the information read from the storage means.

Smirnov, in the same field of endeavor, teaches the use of a radio communication terminal further comprising storage means for storing information utilized when radio communications are made, and wherein the informing means has means informing the operator of the information transmitted to and received from the base station and the information read from the storage means. See col. 3, lines 25-30; col. 4, lines 50-59; col. 5, lines 9-16 and 31-42; col. 6, line 65 - col. 7, line 16; col. 7, line 60 – col. 8, line 15.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Smirnov to modified Sicher in order to facilitate the user to store the streaming information for later viewing at the convenience of the user.

Art Unit: 2618

4. Claims 17,19,20,21,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher [US 6,112,084] in view of Robinson [GB 2 311 910 A] and further in view of Uehara [JP 11146370].

Regarding claims 17,19,20,21,23, Sicher and Robinson as treated in claims 1,6,8,14,16 disclose all the limitations as claimed.

However, they fail to disclose a method wherein the informing means includes a first display section which displays a picture concerning the first communication entity received by the first communication means, and a second display section which displays a picture concerning an operator at the terminal transmitted by the first communication means.

Uehara, in the same field of endeavor, teaches a portable video telephone system. He further discloses a method wherein the informing means includes a first display section which displays a picture concerning the first communication entity received by the first communication means, and a second display section which displays a picture concerning an operator at the terminal transmitted by the first communication means. See abstract and Fig. 1.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Uehara to Sicher and Robinson in order to improve the operability of the video telephone set and to allow the video telephone set to cope with multi-point conversation.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher [US 6,112,084] and Robinson [GB 2 311 910 A] in view of Smirnov [US 6,704,813] and further in view of Uehara [JP 11146370].

Art Unit: 2618

Regarding claim 22, Sicher as treated in claim 15 disclose all the limitations as claimed.

However, they fail to disclose a method wherein the informing means includes a first display section which displays a picture concerning the first communication entity received by the first communication means, and a second display section which displays a picture concerning an operator at the terminal transmitted by the first communication means.

Uehara, in the same field of endeavor, teaches a portable video telephone system. He further discloses a method wherein the informing means includes a first display section which displays a picture concerning the first communication entity received by the first communication means, and a second display section which displays a picture concerning an operator at the terminal transmitted by the first communication means. See abstract and Fig. 1.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Uehara to modified Sicher in order to improve the operability of the video telephone set and to allow the video telephone set to cope with multi-point conversation.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sicher [US 6,112,084] and Robinson [GB 2 311 910 A] in view of Uehara [JP 11146370] and further in view of Gitlin [US 5,159,445]

Regarding claim 18, Sicher and Robinson as treated in claims 17 disclose all the limitations as claimed. However, they fail to disclose a method wherein the informing means includes a third display section which displays a message from the second communication entity

Art Unit: 2618

received by the second communication means while the communications are made by the first communication means.

Gitlin, in the same field of endeavor, teaches a method of displaying video images along with text images during video teleconferencing. See col. 1, lines 14-24.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Gitlin to modified Sicher in order to improve the operability of the video telephone set and to allow the video telephone set to cope with multi-point conversation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sujatha Sharma
June 13, 2006



Matthew D. Anderson
Supervisory Patent Examiner